IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1177 OF 2006

IN

SECOND APPEAL (St.) NO. 17554 OF 2006

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Ms.Anita Patil i/by Mr. S.J.Ghogare for the Applicants.

None for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATE :12TH OCTOBER, 2006

P.C.:

Heard learned Counsel for the applicants. Despite service, none appears for the respondents.

2. The applicants have explained delay of 106 days occurred in filing the second appeal in this Court. In paragraph 5, the applicants have stated that the original plaintiff was the husband of applicant no.1 and father of applicant nos.2 and 3 and

was working as Mathadi Kamgar. He was suffering from blood cancer and ultimately succumbed to his illness. The applicants were also facing financial difficulty and therefore were unable to file appeal in this Court. The delay of 106 days is, therefore, explained by the applicants accordingly.

3. None appears for the respondents, despite service as noted above. No reply affidavit is filed on behalf of the respondents, disputing the fact alleged in paragraph nos.5 and 6 of the civil application. IN my view, the delay is properly explained and bonafide. This application can be, therefore, considered favourably.

4. Accordingly, the delay of 106 days occurred in filing this second appeal in this Court is condoned. Civil Application is, accordingly, allowed and disposed of.

Sd/-

(S.B.DESHMUKH,J.)

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Ms.Anita Patil i/by Mr. S.J.Ghogare for the Appellants.

None for the Respondents.

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P.C.:

Registry to examine the appeal on or before 13th November, 2006. Objections, if any, raised by the office, to be removed by 27th November, 2006. If, the objections are removed, list the appeal for admission on 1st December, 2006.

Sd/-

(S.B.DESHMUKH, J.)